

PUBLIC REVIEW DRAFT

FORESTRY CODE CHANGES TEXT
TO THE KING COUNTY CODE

Part of the
2006 Rural Economic Strategies Code Changes Package

(Please see the “2006 Rural Economic Strategies Code Changes Package – Summary Document” for the introduction, public review and input process, and summary of the forestry code changes.)

RURAL ECONOMIC STRATEGIES – FORESTRY CODE CHANGES

16.82.140 Class IV-G forest practices—six-year moratorium.

A. Under a Class IV-G forest practice, all clearing not otherwise exempted under this chapter shall be subject to this chapter. All such clearing subject to the state Environmental Policy Act, chapter 43.21C RCW, and King County shall accept or assume lead agency status. The department shall consolidate its review of the Class IV-G application with its SEPA review and its review of associated King County development permits or approvals.

B. Except as otherwise provided in subsections D. and E. of this section, for six years after the forest practice commenced, the department shall deny a development proposal on a site when the activity was:

1. A Class II, III or IV special forest practice, as defined in chapter 76.09 RCW;
2. A nonconversion Class IV-G forest practice, as defined in K.C.C. chapter 21A.06: or
3. Undertaken without forest practices or county authorization.

C. Subsection B. of this section applies to a development proposal for:

1. The subdivision of land;
2. The preparation or construction of a new residential or commercial structure; and
3. Any other development proposal that is not related to ongoing forestry.

D. The department may approve a development proposal on a site subject to subsection B. of this section if:

1.a. The applicant demonstrates that the forest practice or clearing on the harvested portion of the site was consistent with the Conversion Option harvest Plan reviewed and approved by King County ~~((and incorporated as a condition of the state's forest practice permit))~~;

2006 Forestry Code Changes Text – Public Review Draft

b. Forest management activities conducted within aquatic areas, wetlands, steep slopes and wildlife habitat areas are limited to specific silvicultural prescriptions to improve forest health identified in a forest management plan approved by King County; and

c. The forest practice is conducted as a:

(1) Class IV-G nonconversion forest practice, as defined in K.C.C. chapter 21A.06, that has been approved by the county;

(2) Class II, III or IV-S forest practice pursuant to a Washington State Department of Natural resources forest practices permit; or

(3) Class I forest practice, as defined in chapter 76.09 RCW, only for purposes of precommercial thinning and pruning; or

2. The director ((of)) determines that:

a. the applicant was the unknowing subject of criminal trespass, timber theft or fraud;

b. the applicant has demonstrated to the satisfaction of the department that:

(1) those portions of the clearing not in compliance with the applicable King County regulations can be fully restored to the extent that functions shall be improved over those existing before the clearing; and

(2) the unharvested portion of the property is not required to satisfy tree retention or other mitigation requirements; and

c. the applicant has an approved mitigation plan to restore the areas cleared without complying with applicable King County regulations.

E. The department may approve a development proposal on the unharvested portion of a site subject to subsection B. of this section if:

2006 Forestry Code Changes Text – Public Review Draft

1. The applicant demonstrates that the clearing on the harvested portion of the site was conducted consistent with a forest management plan approved by King County and the forest management plan excluded the area proposed for development; and

2. The forest practice is conducted as a:

a. Class IV-G nonconversion forest practice, as defined in K.C.C. chapter 21A.06, that has been approved by the county;

b. Class II, III or IV-S forest practice pursuant to a Washington state Department of Natural resources forest practices permit; or

c. Class I forest practice, as defined in chapter 76.09 RCW, only for purposes of precommercial thinning and pruning.

F. In all cases, lifting or waiving of the six-year moratorium is subject to compliance with all county ordinances. (Ord. 15053 § 13, 2004: Ord. 12878 § 1, 1997: Ord. 11618 § 6, 1994: 9614 § 102, 1990).